

City Council Meeting Minutes

**October 3, 2017
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m. and asked to observe a moment of silence in honor for the victims of the Las Vegas shooting.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Heather Balser, Interim City Manager
Kevin Watson, Finance Director
Kurt Kowar, Director of Public Works
Kristen Dean, Principal Planner
Lisa Ritchie, Associate Planner
Meredyth Muth, City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda; seconded by Councilmember Maloney. All were in favor.

Councilmember Loo disclosed she is a client of CliftonLarsonAllen and stated it would not affect her vote on this contract. She asked if anyone would like her to recuse herself. Council voted 6-0 she need not recuse herself.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Deb Fahey, 1118 W. Enclave Circle, stated she had emailed Council an article about climate change and how it will affect the country and the world economically. She noted this should not be a partisan issue. She encouraged members to read it.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda; seconded by Councilmember Stolzmann. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: September 19, 2017***
- C. *Approval of Contract with CliftonLarsonAllen LLP for Utility Billing Services***
- D. *Approval of New Banking Services Fee Structure***
- E. *Approval of Resolution No. 55, Series 2017 – A Resolution Approving a Contract Between the Colorado Department of Transportation and the City of Louisville Concerning Signal Maintenance on State Highway 42***
- F. *Approval to Hold a Special Meeting on October 10, 2017 at 6 PM***
- G. *Approval of Extension of Custodial Services Contract with ISS Facility Services Through November 30, 2018***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Councilmember Loo invited everyone to the tree pruning demonstration on October 7 at 10:00 am put on by the Parks and Public Landscaping Advisory Board.

CITY MANAGER'S REPORT

Interim City Manager Balser stated the 2018 board and commission applications are now available for residents on the City website. She stated there will be a Mayhoffer property celebration on October 13, 2017 beginning at 3:30 p.m. at the Aquarius Trailhead. The wastewater treatment plant grand opening celebration will be October 27, 2017 at 11:00 am.

REGULAR BUSINESS

RESOLUTION NO. 53, SERIES 2017 – A RESOLUTION TO APPROVE A FINAL PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A 109,396 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS FOR A FED EX BOULDER COUNTY VAN FACILITY AT LOT 1, BLOCK 3, THE BUSINESS

CENTER AT CTC (CASE # PUD-0059-2017; FED EX FINAL PLANNED UNIT DEVELOPMENT) – continued from 9/19/17

Mayor Muckle noted this was first discussed on September 19 and is being brought back with some changes.

Associate Planner Lisa Ritchie stated this is an application to allow for the construction of a 109,594 square foot building and associated site improvements for a Fed Ex Boulder County van facility on an 8-acre property located at 2035 Taylor Avenue in the Colorado Tech Center (CTC). City Council considered this resolution on September 19, 2017, heard staff and applicant presentations along with public comments. City Council discussed the application and continued the matter to this meeting.

The applicant has provided a revised submittal for City Council's consideration addressing concerns identified on September 19. The proposed PUD includes the following changes:

- The northeast and northwest corners of the north elevation include bump outs to provide articulation.
- The center section of the north elevation now incorporates metal panels. The previous submittal included concrete with a form liner in the center section.

In addition to the changes on the PUD, staff revised the development agreement to reflect direction from City Council that the City shall provide the final sign design on or before March 1, 2018, with no alternative if the City does not meet that deadline. Staff also removed the recommended condition of approval related to the north access drive in Easement Area No. 2 based on City Council direction in the Resolution.

Staff recommends approval of the resolution as submitted.

Applicant presentation – Jim Vasbinder, Etkin Johnson Group, stated this new proposal tries to capture what Council asked for at the September 19 meeting. The new renderings show the changes to the building and an idea of what the building will look like from Highway 42 and 104th Avenue.

Councilmember Keany thanked Vasbinder for the extra work on the project.

Councilmember Loo moved to approve Resolution No. 53, Series 2017; Councilmember Keany seconded the motion. Voice vote: All in favor.

Councilmember Keany asked staff highlight changes when an item comes back before Council so the changes are easily identifiable.

RECREATION ADVISORY BOARD

ORDINANCE NO. 1746, SERIES 2017 – AN ORDINANCE ESTABLISHING A RECREATION ADVISORY BOARD TO SERVE AS AN ADVISORY BOARD TO THE CITY COUNCIL – 2nd READING – PUBLIC HEARING (advertised *Daily Camera* 9/24/17)

RESOLUTION NO. 54, SERIES 2017 – A RESOLUTION SETTING FORTH THE TERMS, RESPONSIBILITIES, DUTIES AND OTHER MATTERS CONCERNING THE RECREATION ADVISORY BOARD – *continued from 9/19/17*

Attorney Light introduced Ordinance No. 1746, Series 2017 and noted there is an accompanying resolution. The staff presentation will address both and Council will need to act separately on the ordinance and the resolution.

Mayor Muckle noted Council had previously discussed forming a Recreation Advisory Board and folding the Golf Advisory Board into that.

City Clerk Muth stated at the July 25 meeting City Council directed staff to bring back the appropriate legislation needed for the creation of a new Recreation Advisory Board. The proposed ordinance establishes the board, creates the board with seven members, and identifies the board as advisory. She noted in July, the City Council considered both a seven-member board and a nine-member board. Council will need to finalize the membership number prior to approval.

Muth added the resolution sets the terms of office as three years and staggers the initial board members with

- The two (2) current members of the Golf Course Advisory Board shall be appointed to the Recreation Advisory Board beginning on January 1, 2018 for the remainder of their terms to expire December 31, 2018,
- Two (2) appointees shall serve terms that begin on January 1, 2018 and extend two years;
- Three (3) appointees shall serve terms that begin on January 1, 2018 and extend three years.

Muth noted there was a substitute resolution in front of each councilmember proposed by Councilmember Loo to appoint the two Golf Course Advisory Board members to three-year terms.

Muth stated in addition to this ordinance and resolution, staff will bring to Council an ordinance for consideration to sunset the Golf Course Advisory Board before the end of 2017.

Councilmember Loo noted her alternative to appoint the Golf Board members to the three-year terms. When forming a new board, the ability to bring board members with

experience is a valuable asset and the existing members of the Golf Board have great experience to offer the new Rec Board.

Mayor Pro Tem Lipton noted with all the interests this board would need to consider, he wondered if a seven member board would be sufficient, especially with two members already experienced and interested in golf.

Councilmember Maloney asked if expanding the board, how the terms would be configured. City Clerk Muth noted they would still stagger them to be equitable.

Councilmember Maloney agreed there would be a lot of interests to address with this board and supported a nine-member board.

Mayor Pro Tem Lipton noted this board would consider all recreation activities and related services not just the recreation center.

Councilmember Maloney thanked Councilmember Loo for the suggestion to increase the terms of the golf board members being retained.

ORDINANCE

Mayor Pro Tem Lipton moved to approve Ordinance No. 1746, Series 2017 increasing the number of members appointed to nine and allowing the Mayor to sign the amended ordinance. Seconded by Councilmember Stolzmann.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilmember Maloney, Mayor Pro Tem Lipton, Councilmember Stolzmann, Councilmember Leh, Mayor Muckle, Councilmember Loo, Councilmember Keany.

RESOLUTION

Mayor Pro Tem Lipton moved to approve Resolution No. 54, Series 2017 requesting the Mayor work with the City Clerk to make the necessary changes to the staggering of the terms and the appointments of the two Golf Course Advisory Board members to the three-year terms. Councilmember Stolzmann seconded.

Attorney Light added in a friendly amendment, the resolution would read

1. The two (2) current members of the Golf Course Advisory Board and one other appointee shall be appointed to the Recreation Advisory Board beginning on January 1, 2018 and extend three years,
2. Three (3) appointees shall serve terms that begin on January 1, 2018 and extend one year;

3. Three (3) appointees shall serve terms that begin on January 1, 2018 and extend two years.

Motioner and seconder accepted the friendly amendment.

VOICE VOTE: All in favor.

DISCUSSION/DIRECTION – BOARD AND COMMISSION TERM LIMITS

City Clerk Muth stated on July 25 the City Council discussed a new application process for board and commission applicants. At that time, Council did not make a determination whether or not to institute term limits for board and commission members.

Muth reviewed the suggestions for term limits:

- Members may serve up to two consecutive terms for all boards except Planning Commission
- Members may serve up to 12 consecutive years on Planning Commission (equal to two of the Commission's six-year terms).
- Required one-year respite from serving on a board before reapplying
- Council may recruit/appoint a member beyond the two-term limit if there are no candidates for the position
- Limits would apply to anyone appointed in 2018 or later.

Mayor Muckle called for discussion.

Councilmember Loo stated term limits were not needed and Council needs to be able to not reappoint people if needed.

Councilmember Leh agreed with Councilmember Loo. He stated Council is elected to make these appointments and Council should use their discretion in appointments and cycle new people in as needed.

Mayor Muckle agreed.

Councilmember Stolzmann stated term limits would be a good addition, would increase the diversity of community members on a board; new input is positive. As proposed the term limits are very generous. Expanding the chances to serve is a good thing. Short terms should be counted toward the maximum.

Mayor Pro Tem Lipton thought it healthy to have term limits. Term limits should be 9-10 years for a typical board or commission and 12 for the Planning Commission. He felt if there is no consensus on this, Council should move on.

Councilmember Maloney originally was in favor of this, Council had a history of always reappointing people. He now feels Council can pick the best person for each position

regardless of if they have served or not previously. There is a need to make sure diverse people of differing opinions are seated. He encouraged Council to act in best faith when making appointments.

Councilmember Keany stated he does not support term limits, but if applied, they should be longer. He was concerned about board members who have a depth of experience and institutional knowledge not getting re-appointed due to term limits.

Mayor Muckle stated there is no support for proceeding with this suggestion so he suggested it be shelved.

Mayor Pro Tem Lipton asked Councilmember Keany what he would support. Councilmember Keany stated 12 years could be enough.

Mayor Pro Tem Lipton asked if 12 years would be long enough for everyone to consider this.

Councilmember Leh stated 12 years is such a long term it may not generate new voices on the boards; it is too watered down.

Mayor Pro Tem Lipton noted a 12-year term is only one more term than a Councilmember, but it will turn over some seats in the longer term.

Councilmember Maloney felt 12 years is less of a term limit than a crutch. Council needs to be more active about appointing new people as needed. Not having term limits puts the onus on City Council to choose the very best people for the boards and commissions.

Councilmember Loo agreed with Councilmember Maloney and Councilmember Councilmember Leh and felt it was time to make a decision on this matter.

Councilmember Stolzmann requested more information on how long people have served at application time. She wanted a count of persons serving more than 10 years.

Mayor Muckle moved to direct staff to lay aside the topic and not adopt term limits; Councilmember Keany seconded. Voice vote: not proceed 6-1 Councilmember Stolzmann voted no.

Clarified the motion:

Mayor Pro Tem Lipton moved for reconsideration of the motion passed, Councilmember Keany seconded.

Vote: Motion to reconsider failed (**summary:** Yes = 3, No = 4).

Yes: Councilmember Stolzmann, Councilmember Leh, Mayor Pro Tem Lipton.

No: Councilmember Maloney, Mayor Muckle, Councilmember Keany, Councilmember Loo.

**SID COPELAND WATER TREATMENT PLANT HIGH ZONE-MID ZONE PUMP
STATION PROJECT**

**CONTRACT BETWEEN THE CITY OF LOUISVILLE AND INTEGRATED WATER
SERVICES, INC FOR CONSTRUCTION**

**DESIGN AND CONSTRUCTION MANAGEMENT SERVICES ADDENDUM WITH
MOTT MACDONALD**

Public Works Director Kowar stated staff recommends the approval of a contract with Integrated Water Services Inc. in the amount of \$3,265,000 along with a 15% contingency of \$490,000 for the construction of a new pump station to replace the existing pump station at the Sid Copeland Treatment Plant. This project was originally budgeted at \$2.8 million; however, now that it is time to proceed with the project, bid pricing came in higher than original estimates.

In addition, staff recommends approval of a contract addendum to Mott MacDonald in the amount of \$127,000 for adjustments in design and construction management services.

Total cost will be approximately \$4.1M. Long term implications of this decision will be discussed by Utility Committee on October 27, 2017 and how it might affect rate structures or delaying other projects.

This project has been discussed at Utility Committee on several occasions with the original budget in mind. Bids were received after the last Utility Committee meeting.

Why costs are higher: need new backup power generation for existing facilities and the new pump station. South plant can pump to high and mid zone, North plant to high and low zone, there is no flexibility to get water to mid zone from north plant so added a connection to the project that allows the north plant to deliver to mid zone. This will help with capacity during the summer.

Public Comments – None

Councilmember Keany understood the original estimates were low from the design firm.

Director Kowar agreed and noted all bids received were very close in price. He commented it is disappointing when consultants miss the estimate, but pricing is so volatile right now it is not unusual. Councilmember Keany noted this was not a staff error but the consultant's estimate.

Councilmember Stolzmann asked if the south plant can deliver to mid zone. The answer was yes. North plant can deliver to high and then get to mid. She asked what the cost savings might be by eliminating that portion of the project. Director Kowar felt the mid zone piece would be around \$200,000. He felt it was worth having new connection to provide more reliability on high demand days if the south plant were down.

Councilmember Maloney said this overage gives him pause. The Council doesn't know the impact this will have on rates; the Utility Committee needs to review and find how it will be mitigated.

Mayor Muckle agreed, but was reluctant not to move this forward so there is full reliability in the system. Not having the pumps operational is of great concern.

Mayor Pro Tem Lipton was disappointed in the numbers and realized the importance of making these improvements. He would like to make the changes to the numbers contingent on finding the saving in the utility capital improvement projects(CIP) so it does not affect rates. He would suggest postponing some other projects and not hurt the integrity of the system. He doesn't want a rate increase and would approve this contingent on finding the money in utility capital projects.

Councilmember Loo stated aging infrastructure isn't always something you can plan for. Government should provide basic services; residents expect water. In the future there is a need to do this on a more rational basis, but need to fix this now.

Councilmember Maloney noted he agreed there is a need to provide basic services, but was concerned about these things coming to Council without following due process; should have gone to the Utility Committee.

Councilmember Stolzmann agreed with Councilmember Maloney. Providing the service is important, but we need better estimates and a long-term plan for replacement, we need to know what is critical and what can be delayed. She was supportive of the work but was concerned about the process.

Mayor Muckle moved to approve contract with Integrated Water Services Inc., Councilmember Maloney seconded. Councilmember Stolzmann made a friendly amendment to have the Utility Committee to review this after and look at the long range plan and look at the capital projects and create a long-term plan for capital assets.

Mayor Pro Tem Lipton stated he was going to propose approval and make it contingent that the overage comes out of the utility CIP not from a rate increase.

Councilmember Maloney agreed with Mayor Pro Tem Lipton would like an amendment to the motion to that effect. Not concerned about the numbers as much as the process.

Mayor Muckle stated an amendment is not needed to the motion to approve the contract. The Utility Committee will balance the capital costs.

Attorney Light restated main motion is to award Integrated Water Services the Construction the High/Mid Zone Pump Station in the amount of \$3,265,000, authorize staff to execute change orders up to \$490,000 and authorize the Mayor, Public Works Director and City Clerk to execute contract documents.

Mayor Pro Tem Lipton doesn't support it without more information on how it will be funded.

Mayor Muckle noted it will take work to balance this, and the Utility Committee can do that.

Director Kowar has identified some projects to make this balance. In a do nothing scenario, the result would be an increase in rates. He noted he understands need to balance the budget and thinks the Utility Committee can accomplish that work.

Vote: Motion passed (**summary:** Yes = 6, No = 1).

Yes: Councilmember Keany, Mayor Muckle, Councilmember Stolzmann, Councilmember Loo, Councilmember Leh, Councilmember Maloney.

No: Mayor Pro Tem Lipton.

Mayor Muckle moved Council award Mott MacDonald the addendum for additional construction management services in the amount of \$127,000 and authorizes the Mayor, Public Works Director and City Clerk to execute contract documents. Councilmember Keany seconded.

Vote: Motion passed (**summary:** Yes = 6, No = 1).

Yes: Councilmember Keany, Councilmember Stolzmann, Mayor Muckle, Councilmember Loo, Councilmember Leh, Councilmember Maloney.

No: Mayor Pro Tem Lipton.

**ORDINANCE NO. 1747, SERIES 2017 – AN ORDINANCE AMENDING TITLE 16 AND
TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE REGARDING SUBDIVISION
APPLICATIONS, AND MODIFICATIONS AND APPROVAL PROCESSES – 1ST
READING – SET PUBLIC HEARING 10/17/17**

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1747, Series 2017 on first reading, send it out for publication and set the public hearing and second reading for October 17, 2017; Councilmember Keany seconded. Voice vote: All in favor. *(Later in the meeting this was voted on again and changed to set the public hearing on November 6, 2017)*

ORDINANCE NO. 1748, SERIES 2017 – AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE ST. LOUIS PARISH AND COMMERCIAL PARK GENERAL DEVELOPMENT PLAN (GDP) TO ALLOW RELIGIOUS INSTITUTIONS AS A PERMITTED USE IN ZONE 2 – 1ST READING – SET PUBLIC HEARING 10/17/17

City Attorney Light introduced the ordinance by title on first reading. Mayor Muckle moved to approve Ordinance No. 1748, Series 2017 on first reading, send it out for publication and set the public hearing and second reading for October 17, 2017; Councilmember Keany seconded. Voice vote: All in favor.

CITY ATTORNEY'S REPORT

None.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Mayor Muckle noted there was a new format for the advanced agenda produced by the City Clerk. He asked for Council comments. Councilmember Loo asked for quasi-judicial matters to be in bold. Councilmember Maloney liked the first draft and added text.

Councilmember Stolzmann asked to reconsider the vote on Ordinance No. 1747, Series 2017 to have the second reading and public hearing set for November 6, 2017. Mayor Muckle seconded. All in favor.

ADJOURN

Members adjourned the meeting at 8:20 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk